

**Minutes
Regular Meeting
Sumter County Council
November 25, 1997 -- 6:00 P.M.
SUMTER COUNTY ADMINISTRATION BUILDING
County Council Chambers**

MEMBERS PRESENT: James A. Campbell, Chairman; Frank E. Williams, Jr., Vice Chairman; Artie Baker, Carol Burr, Charles E. Fienning, Louis Fleming, and Naomi Sanders.

MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: William T. Noonan, County Administrator; Mary W. Lewis, Clerk to Council; Kathy Cuttino, County Attorney; John Duffie, County Engineer; Anthony J. Criscitiello, Planning Director; Faith Line, County Librarian, Martin Rogers, Assistant County Administrator\Human Resource Director; Vic Jones, Public Safety Director; Sandra Brailsford, Benefits Administrator; Lath Harris, County Assessor; Ed Owens, Deputy County Assessor; and Hemby Smith, Correctional Officer.

MEDIA PRESENT: The Item

PUBLIC PRESENT: Approximately 79 members of the public were in attendance.

CALL TO ORDER: The meeting was called to order by Chairman Campbell, and The Reverend Rodney Howard, Pastor, Crosswell Baptist Church, gave the invocation.

ACTION ON MINUTES: MOTION was made by Councilman Fleming, seconded by Councilman Fienning, and unanimously carried by Council to approve the minutes of November 25, 1997, as presented by the Clerk.

**LAND USE MATTERS AND REZONING REQUESTS
Planned Development/Rezoning Requests**

- (1) RZ-97-26 -- **Third Reading** -- **Tony Milam** -- A request to rezone 4.87 acres located at the intersection of 76/378 and the Myrtle Beach Highway (Tax Map 268-00-03-027) from Heavy Industrial to General Commercial in order to allow a mobile home sales and towing service.

Mr. Criscitiello, Planning Director, presented this matter to Council and stated that there have been no changes to this rezoning request since its first and second reading. He added that rezoning is in concert with the 2005 Land Development Plan which designates this area for suburban development. It is the intent of this designation to provide diversified development and the highest options in suburban areas.

The Planning Director added that the applicant has been sent a letter indicating that a full detailed site plan developed by a qualified professional landscape architect or a qualified land surveyor must be provided to the Planning Commission prior to any development on this property.

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ACTION: After discussion, MOTION was made by Councilman Burr, seconded by Councilman Baker, and unanimously carried by Council to grant third reading and adoption to the rezoning request.

Street Name Change -- None

Grants

- (1) A Resolution in Support of the Santee-Lynches Private Industry Council's Participation In the Fiscal Year 1998 Welfare-To-Work (WtW) Program.

Ms. Dana Pollard, representative from the Sumter County Private Industrial Council, presented the resolution and an executive summary for Council's review. She stated the focus on moving people from welfare to work is a primary goal of the Federal Welfare Policy. The new Balanced Budget Act of 1997, provides additional resources to achieve this goal by authorizing the Department of Labor to provide Welfare-to-Work (WtW) grants to States and local communities for transitional employment assistance to move hard-to-employ welfare recipients with significant barriers into unsubsidized job offering long-term employment opportunities

She added that the key part to the National effort is to create jobs and to move people from welfare to work, which include mobilizing the business community to hire welfare recipients, working with civic, religious, and non-profit groups to mentor families leaving welfare to work, and hiring a fair share of welfare recipients in the federal government. The program provides State and Private Industry Councils (PICs) with maximum flexibility to move welfare recipients into jobs through meeting local labor market needs.

The program provides grants totaling \$3 billion; one-half to be awarded in Fiscal Year 1998 and the other have in Fiscal Year 1999.

Councilman Fleming asked several questions concerning this program. He inquired about training, day care, and transportation. Councilman Fleming also asked about the support system for the families that are on welfare. Ms. Pollard indicated that transportation, training, day care for children, and elderly care are all a part of the system's development. After all questions were answered, Council took action on the resolution.

ACTION: MOTION was made by Councilman Fienning, seconded by Vice Chairman Williams, and unanimously carried by Council to approve the resolution and directed the Chairman and the Clerk to execute and deliver the resolution on behalf of the County.

PUBLIC HEARING

- (1) 97--334 -- An Ordinance Amending Ordinance No. 92-230 Adopted May 12, 1992, as codified in Chapter 19, Article III, Section 19-41 ET. SEQ. of the Sumter County Code of Laws to Provide for the Reorganization of the Structure and Operation of the Sumter County Utilities Commission.

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The County Attorney presented this matter to Council; then the Chairman convened the public hearing. He inquired if anyone wished to speak in favor of or opposition to the proposed ordinance. No one spoke to this issue; therefore, the Chairman closed the public hearing. Then Council took action on this matter during Old Business items.

- (2) **97-337 -- An Ordinance To Provide For The Issuance And Sale Of A One Million Six Hundred Eighty Thousand Dollar (\$1,685,000) General Obligation Bond, Series 1998, Of Sumter County, South Carolina, To Prescribe The Purposes For Which The Proceeds.**

After discussion concerning this matter, the Chairman convened public hearing and inquired if anyone wished to speak to this issue. No one spoke to this issue; therefore, the Chairman closed the public hearing. Then Council took action on this matter during Old Business items.

NEW BUSINESS:

- (1) **Letter of Support from School District #17 Concerning Construction Debt Retirement.**

Dr. Ray Rogers, Interim Assistant Superintendent for Fiscal Affairs, for School District #17 presented a letter requesting that the County send a letter to John B. Kent, Director, Office of District Facilities Management at the State Department of Education. The letter would support the district in construction debt retirement for Sumter School District #17. The debt retirement would represent approximately 4.9 mills.

ACTION: MOTION was made by Councilman Fienning, seconded by Councilman Burr, and unanimously carried by Council to support School District #17 concerning its construction debt retirement and authorized the Chairman of County Council to sign a letter in that regard.

- (2) **Special Recognition for Area Business.**

The Clerk was asked to publish the following resolution on behalf of Williams Funeral Home, Inc. for its 50th year anniversary. The Reverend Frank E. Williams, Sr., his wife, Magnolia Williams, and other family members were present on behalf of this special recognition. Vice Chairman Frank E. Williams, Jr., was appreciative to Council for presenting this resolution to his father and family and acknowledged his surprise of this presentation.

ACTION: MOTION was made by Councilman Fleming, seconded by Councilman Fienning, and unanimously carried by Council to approve this resolution as published by the Clerk and directed the Chairman and the Clerk to sign and deliver the resolution on behalf of the County in recognition of the Williams Funeral Home, Inc. for its 50th year anniversary.

- (3) **Briefing by Representative from Time Warner Cable Concerning Upcoming Cable Increases.**

Mr. James Mott, CEO of Sumter County's Time Warner Cable Company briefed Council on the upcoming rate increases. Also, several other representatives from Time Warner Cable

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were present. The Home and Garden Channel and Golf Channel will be added. Council was informed that the basic service will be reduced from \$5.90 to \$5.78. Also, the representatives informed Council that the rates that will be increased are NOT the highest amount that could be charged. The rates are approved by the FCC and Time Warner is in compliance with these charges. After discussion, Council received this briefing as information.

(4) North Main Street Concerned Citizens Opposition to the Proposed Correctional Facility.

Dr. Agnes Wilson-Burgess spoke to Council on behalf of the North Main Street Concerned Citizens who are in opposition to the proposed correctional facility in their area. Dr. Burgess presented the following concerns:

- The facility should not be located on North Main Street. Neither should it be located in a residential area.
- The group agreed that something must be done about the overcrowding at the correctional facility.
- As the City and County work to revitalize Down Town Main Street, Council should not forget that the other end of the street (North Main Street) presently has a jail located a few miles away.
- Potential danger is always there to the citizens of the area because of it being located in a residential area.
- The correctional facility should not be located near the cultural arena (Sumter Gallery of Arts) nor on a thoroughfare of Sumter.
- The purpose of the correctional center must be reviewed and then a site should be selected away from residential homes.

The Chairman of the Public Safety Committee, Councilman Burr, asked that Council set up a site selection committee consisting of a representative from the Development Board, Planning Commission, County Council, City Council, and a representative from each County Council District for a total of eleven members. He also suggested that the selection be made within the next sixty days. Councilman Burr added that he agreed that the correctional facility should be housed in a non-residential area. However, the problems facing this would involve sewer, travel distance to the courthouse, and other problems.

The Chairman indicated that he would set up the committee and bring that back to Council.

(5) 97-338 -- **First Reading** -- An Ordinance Amending the Sumter Business License Ordinance.

The Administrator asked that this matter be removed from the agenda and placed on the December 2, 1997, agenda. Council concurred.

(6) 97-339 -- **First Reading** -- An Ordinance Amending Ordinance No. 97-328 Respecting An Inducement Agreement With Peace Textile, Inc. And Other Matters Related to the Foregoing.

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The County Attorney presented this matter before Council. She indicated that several months earlier, Sumter County Council passed an ordinance (97-328) concerning an inducement agreement with Peace Textile, Inc. and other matters related to the agreement. While preparing for the closing of the transaction, it was revealed in some material from the Santee-Lynches Council of Governments which indicated that the land the COG is holding for Sumter County is in essence for Sumter County and not for the City of Sumter. The prior ordinance referred to the County, the City, and Peace Textile would all enter into an agreement together. Since the City does not hold title to the property, it has no need to enter into this agreement. Therefore, the new ordinance before Council would allow for the County to remove the City from all of the aforementioned documents because the City is not a necessary party for the consummation of the documents.

ACTION: MOTION was made by Councilman Burr, seconded by Councilman Baker and unanimously carried by Council to grant first reading to the proposed ordinance.

- (7) Authorization To Enter Into An Intercreditor Agreement With Carolina Capital Investment Corporation ("CCIC"), Santee-Lynches Regional Development Corporation (The "RDC"), And Job Development Loan, Inc. ("JDLF"), And Sumter County (The "COUNTY") With Regard To Loans Made By Said Parties To Peace Textile America, Inc. (The "Borrower").

This Intercreditor Agreement will allow for Peace Textile America, Inc. to consummate. Peace Textile America, Inc. plans to borrow \$245,000 from Carolina Capital Investment Corporation, \$200,000 from Regional Development Council, and \$50,000 from Job Development Loan Fund, Inc. Each of the lenders will enter into an agreement themselves and will take an equal position, on a pro rata basis based on the amount that they have invested in the project. As the lead County in the Santee-Lynches Regional Council of Governments, Sumter County has the "first" position in this transaction, even though the County is not lending any money to Peace, but will allow for inducement agreement credits. Therefore, the lenders asked that Sumter County join the lenders in the Intercreditor Agreement as a fourth party for its inducement credits of approximately \$120,000 on a pro rata basis.

ACTION: MOTION was moved by Councilman Burr, seconded by Councilman Baker, and unanimously carried by Council to approve the Intercreditor Agreement with Sumter County as a first lender along with Carolina Capital Investment Corporation, Regional Development Council, and Job Development Loan Fund, Inc. and directed the Chairman and the Clerk to execute and deliver the agreement on behalf of the County.

- (8) Suggested To Hold Executive Session To Discuss Contractual And/Or Personnel Matters. (The Executive Session, If Approved By Council, Will Be Held After All Business Matters Have Been Completed.)

No executive session was held.

OLD BUSINESS:

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- (1) **Third Reading -- 97--334 -- An Ordinance Amending Ordinance No. 92-230 Adopted May 12, 1992, as codified in Chapter 19, Article III, Section 19-41 ET. SEQ. of the Sumter County Code of Laws to Provide for the Reorganization of the Structure and Operation of the Sumter County Utilities Commission.**

The County Attorney, Mrs. Kathy Cuttino, presented this matter before Council. She indicated that several changes have been made to the ordinance since its first reading. Instead of the water companies being asked to appoint one of their members to the Utilities Commission, the water systems will be asked to appoint a representative to the Commission. In addition, all language referring to solid waste and other utilities will be deleted from the ordinance, and the name of the commission will be uniformed throughout the ordinance (Sumter County Public Utilities Commission). Also, there was a question as to providing more membership on the Commission for the High Hills Water Company. Mr. John Duffie, addressed this issue by stating that the County will be allowed to appoint two at-large members and each municipality will also be able to appoint one each at-large member to the Commission. Therefore, County Council could allow one of its two at-large members to be a representative from High Hills, thereby, giving High Hills two representatives on the Commission.

After discussion on this matter, the Chairman convened the public hearing. After public hearing, Council took action on the amendment to the ordinance.

ACTION: MOTION was made by Vice Chairman Williams, seconded by Councilwoman Sanders, and unanimously carried by Council to amend the ordinance by deleting all language referring to solid waste and to include language for a uniform name of the Commission as the Sumter County Public Utilities Commission.

ACTION: MOTION was made by Vice Chairman Williams, seconded by Councilwoman Sanders, and carried by Council to grant third reading and adoption to the ordinance as amended. Councilman Fleming abstained from voting.

- (2) **Third Reading -- 97-337 -- An Ordinance To Provide For The Issuance And Sale Of A One Million Six Hundred Eighty Thousand Dollar (\$1,685,000) General Obligation Bond, Series 1998, Of Sumter County, South Carolina, To Prescribe The Purposes For Which The Proceeds.**

The County Attorney presented this ordinance. She stated that at first reading, the ordinance was listed as \$1,680,000; however, the bond Attorney and the Comptroller recommended amendment to the ordinance to include \$5,000 more than originally listed at second reading; Council approved the recommendation at second reading. There were no additional changes to the ordinance since second reading.

The Chairman then convened the public hearing; after the public hearing, Council took action on third reading.

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ACTION: MOTION was made by Councilman Fienning, seconded by Councilman Baker, and unanimously carried by Council to grant third reading and adoption to the ordinance.

COMMITTEE REPORT:

- (1) Internal Affairs Committee Meeting On **Tuesday, November 25, 1997, At 3:00 P.M. In Council's Conference Room.** (Members: Williams, Fienning, and Sanders)

The Chairman of the Committee, Vice Chairman Williams, indicated that this meeting was canceled and would be rescheduled for December 2, 1997.

- (2) Public Safety Committee Meeting On **Tuesday, November 25, 1997, At 3:30 P.M. In Council's Conference Room.** (Members: Burr, Fleming, and Williams)

The Chairman of the Committee, Councilman Burr, gave the following report:

- Attorney General's Opinion: It is unlawful for domestic animals to run at-large throughout the state. It is clearly defined that domestic animals would include pets such as dogs and cats. This is in concert with the Supreme Court's decision concerning domestic animals. Therefore, the county's law enforcement officers can write citations under the existing state statute for domestic animals without a leash.
- Sumter-Lee Correctional Facility Update: Additional information is being researched and should be available by December 16, 1997. Also, in order to complete all the requirements of presenting a bond issue to the public, Mr. Houser, the comptroller, has been asked to develop a time line of things that must be done for this proposed bond issue. This time line will be available for Council's review on December 16, 1997.

ACTION: MOTION was made by Councilman Burr, seconded by Vice Chairman Williams, and unanimously carried by Council to direct the Comptroller to develop a time line for a proposed bond referendum so that voters can vote on the referendum in March 1998.

- EMS Billing: Additional information needs to be received concerning the billing of EMS transportation. Also, Council may need to review its cost structure because presently, Medicare only pays \$114 a trip even though the County charges \$175. The difference in the two will be absorbed by the County.
 - Curfew Ordinance: The Sheriff will provide an update on the curfew ordinance in early January. The report will be based on a twenty-four month span of time (one year before the curfew and one year after the curfew). In addition, the Sheriff will also provide an update on the COP's program.
- (3) Fiscal, Tax, And Property Committee Meeting On **Tuesday, November 25, 1997, At 5:00 P.M. In Council's Conference Room.** (Members: Campbell, Fienning, and Fleming)

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The Chairman of the Committee, Chairman Campbell, gave the following report and recommendations.

- Maintenance and Renovations to South Sumter Resource Center: It was recommended that the Chairman or the Administrator will meet with the appropriate City officials to discuss the renovations of the South Sumter Resource Center. The County will handle its part as far as maintenance is concerned.
- Disabled American Veteran's Request for a Van: The DAV has requested one-half of the cost of a van (approximately \$14,000) to be used for the Disabled American Veterans. Additionally, the van will be scheduled by the Veteran's Affairs Coordinator. Also, the up front matching funds from the County may be reimbursed by DAV after a letter has been submitted to different veteran's organizations seeking funding for the van. The Administrator will follow-up on the reimbursement of these funds. The matching funds from the County will come from Council's contingency fund; the DAV funds will come from a grant that is available to them through federal funds. The committee recommended approval.
- Request from the Development Board: A letter was received by the Development Board from Mr. Herb Leaird of Black River Electric Cooperative, Inc. which indicated that if the County would pay \$20,000 up front, Black River would write off the rest of the expenses of the needed lights for north Wise Drive from Jefferson Road to the new Caterpillar site. The total estimated cost for the street lights is \$35,380. The normal monthly fee of \$12.00 per light for a total monthly fee of \$216.00 for 18 street light fixtures will be charged as normally done. The committee recommended approval of the \$20,000 from Council's contingency fund.
- The Korean War Memorial: A memorial is being built in Columbia, SC to honor all those who fought in the Korean War. The committee working on this project requested funds from the County. The Fiscal, Tax, and Property, committee recommended \$3,000 from Council's contingency fund.

ACTION: MOTION was made by Councilman Fleming, seconded by Councilman Fienning, and unanimously carried by Council to approve all the Committee's recommendations as presented.

MONTHLY REPORT:

- EMS
- Public Works

COUNTY ADMINISTRATOR'S REPORT:

- Transfer Station: Construction is on-going on the County's Transfer Station and Council will be kept abreast of this situation.
- Recycling Centers: The recycling center on Highway 378 is underway and the next one to be constructed is in Rembert and then back to the Kingsbury site for either renovation or a new site to replace the existing Kingsbury site.

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- Crusher Run Road: Council members who are interested in having roads rocked in their area should contact the Public Works Director with the names of the roads that need the rocking. A complete list will be given to Council members.
- Street Lights: Any Council member or member of the public that has a need for an intersection street light in the county should contact the Clerk with the name of the intersection. This issue will be reviewed in January.
- Shiloh/St. John Community Center: The grant will not be closed at this time because of work that needs to be completed at the center specifically the parking lot. Follow-up will be given to Council at a later date.

PUBLIC COMMENTS:

There were no additional comments from the public.

ADJOURNMENT: There being no further business and no additional comments from the public, the meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Chairman or Vice Chairman
Sumter County Council

Clerk to County Council

Approved: _____

I certify that public and media notification of the above mentioned meeting was given prior thereto as follows:

Public Notified: Yes

Manner Notified: Agenda posted on bulletin board outside the County Administrator's office and bulletin board on the first floor of the Administration Building.

Date Posted: November 21, 1997

Media Notified: Yes

Manner Notified: Agendas were sent to most radio stations, television stations, and newspapers in the Sumter, Columbia, Manning, and Florence communities.

Date Notified: November 21, 1997

Respectfully submitted,

Mary W. Lewis